

VZCZCXRO3562  
PP RUEHIK  
DE RUEHUB #0109/01 0562027  
ZNR UUUUU ZZH  
P 252027Z FEB 10  
FM USINT HAVANA  
TO RUEHC/SECSTATE WASHDC PRIORITY 5211  
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY  
RUEHWH/WESTERN HEMISPHERIC AFFAIRS DIPL POSTS PRIORITY  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 0118  
RUEHRL/AMEMBASSY BERLIN PRIORITY 0038  
RUEHLO/AMEMBASSY LONDON PRIORITY 0056  
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UNCLAS SECTION 01 OF 17 HAVANA 000109

SENSITIVE  
SIPDIS

DEPT FOR G/TIP, G FOR LAURA PENA, INL, DRL, PRM, WHA/PPC

E.O. 12958: N/A

TAGS: [KTIP](#) [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#)

SUBJECT: USINT HAVANA'S ANSWER TO TIP REPORT QUESTIONS THIS  
TELEGRAM IS SENSITIVE BUT UNCLASSIFIED, PLEASE HANDLE  
ACCORDINGLY.

REF: SECSTATE 02094

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1. (SBU)Per Reftel, USINT Havana submits the following  
information for inclusion in the tenth annual Trafficking in  
Persons  
(TIP) report, Cuba section.

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REPORTING QUESTIONS  
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25. (U) THE COUNTRY'S TIP SITUATION:

-- A. What is (are) the source(s) of available information on  
human trafficking? What plans are in place (if any) to  
undertake further documentation of human trafficking? How  
reliable are these sources?

Very little information is available about human trafficking  
in Cuba. The Government of Cuba (GOC) does not publish  
statistics and data about trafficking-related topics.  
However, for the first time, the GOC responded to U.S.  
requests to share and discuss information on trafficking by  
providing excerpts from a diplomatic note it had previously  
submitted to the UN High Commissioner for Human Rights. The  
GOC shares limited information on trafficking in persons  
(TIP) with the UN and other foreign missions (like  
information about the treatment of women and children who are  
victims of sexual abuse), although it does not share data or  
information about incidence or prevalence.

The GOC restricts the ability of international and domestic  
NGOs to operate in Cuba and there are no domestic and

international NGOs on the island that focus on trafficking. GOC agencies involved in anti-trafficking efforts include the Interior and Justice ministries and the Attorney General's Office. The British Embassy reports that the UK Child Protection Trust works with the GOC on managing two sexual abuse treatment centers (a third is reportedly under construction and a fourth is planned in the near future.) However, the GOC has indicated that it now has a sufficient number of trained personnel to go forward without the continuing assistance of the Child Protection Trust. International journalists and the regional NGO Women's News Service for Latin America and the Caribbean (SEMLac) provide some reliable information about prostitution, violence against women and children, and GOC efforts to assist these victims.

Other sources of information derive from working-level exchanges of information between the GOC and the US Coast Guard representative assigned to USINT, and from the investigation and prosecution of the small number of US citizens and foreign nationals imprisoned in Cuba on trafficking-related charges.

All sources agree that, in spite of the lack of information, trafficking does not appear to be a significant problem in Cuba, and that the GOC generally treats the issue with seriousness, including investigation and prosecution of those involved in TIP.

-- B. Is the country a country of origin, transit, and/or destination for men, women, or children subjected to conditions of commercial sexual exploitation, forced or bonded labor, or other slave-like conditions? Are citizens

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or residents of the country subjected to such trafficking conditions within the country? If so, does this internal trafficking occur in territory outside of the government's control (e.g. in a civil war situation)? From where are people recruited or from where do they migrate prior to being subjected to these exploitative conditions? To what other countries are people trafficked and for what purposes? Provide, where possible, numbers or estimates for each group of trafficking victims. Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

The GOC asserts that human trafficking is exceptionally rare in Cuba and that it should not be considered a country of origin, transit or destination for TIP. However, since the GOC does not publish information on human trafficking, it is nearly impossible to accurately understand the TIP situation in Cuba. Nonetheless, sources agree that little has changed since the last TIP report.

It is well known that of the many Cubans who seek to leave the island illegally every year, some seek the assistance of smugglers who provide passage in speed boats in exchange for a significant fee. According to the US Coast Guard (USCG) representative assigned to USINT, the vast majority of Cubans who are smuggled directly into the US are voluntary migrants and they do not end up being forced into hard labor or the sex trade upon their arrival in the United States. The GOC actively cooperates with the USG in efforts to interdict, arrest, and prosecute the smugglers, and repatriate the migrants.

However, there is strong evidence that some Cuban migrants wind up as victims of human trafficking in transit countries like Mexico. The USCG rep said that a growing number of credible reports indicated that Cuban migrants were held against their will upon arrival in Mexico, some by smuggling gangs demanding payment from their families, but also some who are compelled into prostitution or forced labor while awaiting onward passage to the United States. Likewise, the GOC actively cooperates with the USG to interdict this

traffic.

There is no evidence of any significant trafficking either into or within Cuba for purposes of forced labor. Although there is prostitution in Cuba, particularly in tourist areas, there are no indications that a large number of prostitutes have entered the profession through force, coercion or deception. The vast majority of prostitutes enter the activity for economic reasons without the involvement of traffickers or intermediaries. Commonly, prostitutes seek out foreign tourists in exchange for drinks, meals and presents. Strictly-for-cash prostitution is also practiced, but it is less common. Although it is impossible to say how many, at least some of these liaisons result in marriages. Because many people wish to flee the country, some young women who contract such marriages could be vulnerable to exploitation. However, the representatives of the countries whose nationals most often enter into this kind of marriage have not seen evidence that a significant number of these women eventually wind up in forced labor or the commercial sex industry.

The issue of the trafficking of children for commercial sexual purposes is complicated by the fact that Cuban officials have very different approaches to enforcing

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prostitution by minors, depending on the age of the victim. Prostitution over the age of 18 is not criminalized, though police often arrest prostitutes on charges of anti-social behavior or "potential dangerousness". The age of consent in Cuba is 14. Sources agree that Cuban authorities are very severe in cases of solicitation or having sex with children under the age of 14. U.S. citizens or other foreigners who are convicted of such offenses, invariably received lengthy jail terms. Several sources have indicated that the Cubans are very pro-active in prosecuting cases involving child pornography and in preventing known child sex offenders from visiting the island.

On the other hand, minors between the ages of 14 and 18 fall into a gray area. They are legally able to consent, but it is illegal for that age group to engage in prostitution. No data is available on the incidence of prostitution in this age group but, according to most local observers, this is the most vulnerable age group. Prosecutions are rare, but youths in this age category would be much more likely to face compulsory rehabilitation for anti-social behavior than charges for illegal prostitution

However, the SEMlac representative stated that local police and neighborhood organizations are fairly vigilant in watching over children under age 14. Children on the streets during school hours and unsupervised at night are frequently approached by police and returned to their homes, and parents questioned. Repeated neglect can result in legal action against the parents, or in the children being taken from the home.

USINT did not receive any specific reports during the past year of intermediaries in the tourist areas such as taxi drivers, hotel workers or policemen directing people to prostitutes. Visitors to such areas and representatives of other embassies surmised that due to the desire for tourist dollars and the fact that police corruption is widespread, it was likely that this occurred but no one contacted knew of a specific incident.

-- C. To what kind of conditions are the trafficking victims subjected?

Beyond the few details about adolescent prostitutes provided above, we have no specific information on conditions.

-- D. Vulnerability to TIP: Are certain groups of persons more at risk of human trafficking (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)? If so, please specify the type of exploitation for which these groups are most at risk (e.g., girls are more at risk of domestic servitude than boys).

All sources of information indicated that a disproportionate number of prostitutes, both male and female, are Afro-Cubans or of mixed race. Some sources reported that homosexual males are more likely to turn to prostitution after having been shunned by their families (rather than at the behest of the family, for economic reasons) and are, therefore, perhaps more likely to be vulnerable to abuse.

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-- E. Traffickers and Their Methods: Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to gain direct access to victims? For example, are the traffickers recruiting victims through lucrative job offers? Are victims sold by their families, or approached by friends of friends? Are victims "self-presenting" (approaching the exploiter without the involvement of a recruiter or transporter)? If recruitment or transportation is involved, what methods are used to recruit or transport victims (e.g., are false documents being used)? Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

Post has no information about any organized trafficking operations operating within Cuba.

¶26. (U) SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

-- A. Does the government acknowledge that human trafficking is a problem in the country? If not, why not?

In the January 2009 note to the UN High Commissioner on Human Rights, the GOC states that trafficking has become a problem in "nearly every country of the world" and calls for international efforts to combat the problem. The GOC further states that while these problems are very rare in Cuba, it has put into place laws and systems to deal with the issue.

The GOC notes that it is a signatory to many international conventions and protocols on TIP and that it has played an active role in international conferences and meetings on trafficking including:

\*Convention No. 105 of the International Labor Organization regarding the abolition of forced labor; ratified by Cuba in ¶1958.

\*The 1991 Convention on the Rights of Children, which includes several articles on crimes related to trafficking in children; ratified by Cuba in 1991.

\*The Protocol from the 2000 Convention on the Rights of Children, which includes articles on child prostitution, the sale of children, and child pornography; ratified by Cuba in ¶2001.

\*Participation in the 2008 Vienna Forum as part of the Worldwide Initiative against Human Trafficking.

However, domestically the GOC does not discuss publicly human trafficking issues. In general, the GOC does not provide information about crime or social problems in Cuba and daily newspapers and broadcast news reports do not generally cover

these issues. The GOC resists discussion of issues that might suggest weaknesses in the governing and social system.

-- B. Which government agencies are involved in efforts to combat sex and labor trafficking - including forced labor - and, which agency, if any, has the lead in these efforts?

The GOC agencies involved in anti-trafficking efforts include the Ministry of Interior, the Attorney General's Office, the

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Ministry of Justice and local governments. The Ministry of Interior has the lead in anti-trafficking efforts, and its Border Guards conduct investigations and arrests. The prosecution files charges and submits them to the courts (Ministry of Justice). The GOC's efforts are also channeled through the Social Attention and Prevention System (after Law Decree No. 242 of May 2007), and the service of Communist Party mass organizations such as the Federation of Cuban Women (FMC), the Prevention and Social Assistance Commission, the Committees for the Defense of the Revolution (CDR), Student and Youth Organizations, and so-called "social workers" to identify and suppress the activities of prostitutes, pimps and traffickers. The "social workers" (who do not possess the training or education one might expect of social workers in the U.S.), under the Young Communists' League (UJC), interact with the Council of State, the Ministry of Interior, the local governments and the Ministry of Labor.

-- C. What are the limitations on the government's ability to address these problems in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The GOC does not release budgetary information about resources devoted to trafficking. There are frequent reports of low level police corruption, and anecdotal reports that police officers took bribes to allow prostitutes to operate in areas under their jurisdiction rather than book them for anti-social behavior. However, several sources noted that police officers who are caught taking bribes can be severely punished, indicating that, at least officially, the practice is discouraged. The Cuban government took the lead in funding the operation of two centers for the treatment of sexually abused children with the help of a UK based NGO and the British government. A small number of the children at these centers were believed to be trafficking victims. The GOC also provides ongoing funding for women's shelters, where women and children can seek refuge from abusive or coercive relationships. These homes are reportedly staffed with trained social workers who provide treatment and assistance in the form of job training and educational programs. No information is available about whether or not the women and children who receive treatment at these houses are trafficking victims. In addition, when police arrest prostitutes under laws dealing with "potential social dangerousness", no known efforts were made to ascertain whether prostitutes taken into custody were the victims of trafficking.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The GOC does not share information with the U.S. about its efforts to monitor anti-trafficking efforts. Although Cuba continues to participate in international forums on the topic, it does not publicize these efforts through these organizations.

-- E. What measures has the government taken to establish the

identity of local populations, including birth registration,

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citizenship, and nationality?

The law requires that all births be registered within 72 hours of birth or before the child leaves the hospital. Citizenship is established by birth within the national territory. Available evidence suggests that these requirements are carried out effectively.

--F. To what extent is the government capable of gathering the data required for an in-depth assessment of law enforcement efforts? Where are the gaps? Are there any ways to work around these gaps?

The GOC does not share information about its data-gathering capabilities related to law-enforcement with the U.S. However, evidence suggests that the government effectively gathers and maintains extensive data on a range of economic indicators as well as personal data on millions of its citizens. Without more information on existing systems, it is difficult to specify gaps and propose solutions.

#### 127. (U) INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both sexual exploitation and labor? If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language (actual copies preferable) of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt). Does the law(s) cover both internal and transnational forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? Are these other laws being used in trafficking cases?

The GOC did not pass new laws regarding trafficking during the reporting period. The Cuban Penal Code, Title 11, Section 4 ("Pimping and Trafficking in Persons"), Article 302 provides penalties for "whoever induces, cooperates with, promotes or gets a benefit from the exercise of prostitution.

If the offense involves the victim's entry or exit from Cuba, the penalty ranges from 20 to 30 years incarceration." According to Title III, Section First "Corruption of Minors", Article 310, using minors (under 16 years) in prostitution, corruption, pornographic acts or other illegal conduct may be punished from seven and up to thirty years' imprisonment or death (depending on aggravating circumstances). Likewise, according to Article 312, using minors for begging, may receive from two to eight years' imprisonment. Article 316 of the Penal Code ("Selling and Trafficking in Minors") covers trafficking for forced labor, prostitution and trade in organs both domestically and internationally and establishes punishments between 7 to 15 years. Article 316.3 of the Penal Code refers to international trafficking of minors (not adults) involving forced labor, among other acts of corruption.

In addition, Resolutions 75 of the Ministry of Justice and 87

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of MINREX, 2007 require that Cubans wishing to travel abroad must receive a letter of invitation through the appropriate Cuban consulate and satisfy immigration requirements before

an exit permit will be granted. Before these rules were introduced, invitation letters could be obtained through a fairly simple legal process in Cuba. This meant that a tourist (or trafficker) could come to Cuba, meet an interested Cuban, go through the legal process to have the invitation letter drawn up, and request an exit permit, all in a fairly short period of time. In addition Article 17 of Law Number 87 of 1999 sets prison terms of 4 to 10 years for "inducing, in any way, or promoting another person to engage in prostitution or bodily commerce". The sentence increases to 10 to 20 years for anyone who threatens or forces another to engage in prostitution. The law also provides sentences of 20 to 30 years for anyone convicted after a past conviction for pimping or anyone accused of habitually promoting prostitution. Civil courts in Cuba only cover family law. To make a complaint equivalent to a tort complaint in the US Court system, an individual or group would have to convince the authorities to criminally prosecute the case. If the prosecution is successful, the court can assess damages.

-- B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for the trafficking of persons for commercial sexual exploitation, including for the forced prostitution of adults and the prostitution of children?

See the response to the previous question. The GOC does not generally make public information about court cases, so it is unknown what penalties were imposed in these cases during the reporting period. The GOC informs foreign missions about the arrests of their nationals, except in the case of dual nationals, including the Consular Section at USINT. There were no reports of new arrests on TIP-related charges during the reporting period. There are US citizens and other foreign nationals serving lengthy sentences in Cuba on trafficking related charges and for sexual exploitation of a minor. An American citizen was arrested in March of 2008 and charged with corruption of a minor, but was released in early 2009 without being tried.

-- C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for labor trafficking offenses, including all forms of forced labor? If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to compelled service in the destination country? If your country is a destination for labor migrants (legal/regular or illegal/irregular), are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of labor trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of compelled service, or withhold payment of salaries as means of keeping the worker in a state of compelled service?

Article 316, which only applies to minors, sets penalties of 7 to 15 years imprisonment for offenses related to forced child labor. A thorough review of Cuban Law failed to identify any statute that assessed penalties for the forced labor of adults.

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-- D. What are the prescribed penalties for rape or forcible sexual assault? (NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking... the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE)

There are three categories of penalties for rape: 4 to 10 years, 7 to 15 years, and 15 to 30 years or (rarely) capital

punishment, depending on the circumstances. Cases for repeat offenders, cases that resulted in injury or the transmission of a disease and cases involving a child under 12 are subject to the more severe penalties.

-- E. Law Enforcement Statistics: Did the government take legal action against human trafficking offenders during the reporting period? If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. Please note the number of convicted trafficking offenders who received suspended sentences and the number who received only a fine as punishment. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults). What were the actual punishments imposed on convicted trafficking offenders? Are they serving the time sentenced? If not, why not?

The GOC did not share with the U.S. information about its criminal proceedings during the reporting period. During the reporting period, there were no reports of foreigners charged with trafficking-related crimes.

-- F. Does the government provide any specialized training for law enforcement and immigration officials on identifying and treating victims of trafficking? Or training on investigating and prosecuting human trafficking crimes? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

We had no concrete information on anti-trafficking related training held in Cuba, either by the GOC, by NGOs or international organizations. The British Embassy and SEMlac reported that some training is offered on treating women and children who are sexually abused, but there is no information available about whether this training might also be used with trafficking victims.

--G. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

The GOC has extradition treaties with several countries, including Mexico, but USINT does not know of instances of cooperation during the reporting period. The GOC cooperates in the investigation and prosecution of alien smuggling. A few of these cases involved allegations of trafficking, such as people who asserted that they were forced to serve as crew members on smuggling vessels.

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-- H. Does the government extradite persons who are charged with trafficking in other countries? If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

The GOC did not provide information about extraditions. USINT does not know of cases involving AmCits or other foreign nationals.

-- I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

Post is not aware of any evidence of government involvement in trafficking on an institutional or local level. Many reliable sources reported that there is no government



involvement at any level.

-- J. If government officials are involved in human trafficking, what steps has the government taken to end such complicity? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related criminal activities during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

Post is not aware of investigations or convictions of public officials on trafficking-related offenses.

-- K. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.

Not applicable.

-- L. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists? How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin? If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

The GOC strongly denies that Cuba has a problem with child sex tourism. The government adds that, through its Ministry of Tourism, it actively works to promote family tourism. The GOC also states that access to bars and clubs is limited to people over 16, where identification is required. According to information provided by the GOC, Cuban laws on trafficking

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in minors for any purpose (including the sex trade) apply to citizens and residents of Cuba whether the acts are committed domestically or internationally.

Other embassies (Canada, Great Britain, Spain, France, the Netherlands, Sweden) with a large number of tourists traveling to Cuba each year did not report evidence that a significant number of their visitors come to the island primarily seeking sex with children, but that some probably took advantage of easy access to prostitutes, some of whom may have been under age 18. The GOC does not release records of arrests or prosecutions. USINT learned of no new prosecutions for child sex offenses by U.S. citizens. In cases known to USINT of US citizens or other country nationals convicted of child sex offenses in the past, they invariably received lengthy prison sentences. The UN stated that the GOC was very pro-active in preventing known pedophiles from entering the country. As explained above, all indications are that the authorities acted swiftly in cases involving children under 14, but took a less active approach with those between 14 and 18 where no coercion was reported.

128. (U) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. What kind of protection is the government able under existing law to provide for victims and witnesses? Does it

provide these protections in practice?

No official information is available about protection of trafficking victims or witnesses. The sexual abuse treatment centers reportedly provide state-of-the-art care and counseling to child sexual abuse victims and child witnesses, some of whom may be trafficking victims. The GOC operates these facilities with the assistance of the Child Protection Trust, an NGO respected worldwide in the treatment of sexual abuse. The situation with adults is very unclear. They universally have access to counseling and social services through the nation's healthcare system, and women and children can access treatment and resources available at the women's shelters mentioned above, but post does not have information about the use of these services by trafficking victims.

-- B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? Does the country have specialized care for adults in addition to children? Does the country have specialized care for male victims as well as female? Does the country have specialized facilities dedicated to helping victims of trafficking? Are these facilities operated by the government or by NGOs? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period.

The sexual abuse treatment centers mentioned above, accept both male and female children. Adolescents, both males and females, who have engaged in prostitution, can be sent to either juvenile detention facilities or work camps. UN agencies that had access to these facilities said that the

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emphasis was on rehabilitation rather than punishment.

Trafficking victims could access care in local rehabilitation centers which in theory have legal, medical and outpatient care available. These centers are designed for people recovering from physical or emotional problems and not specifically for trafficking victims. USINT has no information about foreign trafficking victims or if they sought such services during the reporting period. All sources indicated that the number of foreign victims of trafficking in Cuba was very small, if any existed at all. USINT did not identify any mental health or social services available to foreigners without cost. USINT was not able to ascertain the value of government resources that were spent for the purpose of assisting trafficking victims.

-- C. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

Please see previous response for information on legal, medical, and psychological services provided by the GOC. There are no independent domestic NGOs in Cuba. The Cuban government did not provide information to the U.S. about how much it spent on services to trafficking victims. Post does not have any information about GOC payments to international

NGOs.

-- D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

No information is available about this.

-- E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

No information is available about this.

-- F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

No information is available about this.

-- G. What is the total number of trafficking victims identified during the reporting period? (If available, please specify the type of exploitation of these victims - e.g. "The government identified X number of trafficking victims during the reporting period, Y of which were victims of trafficking for sexual exploitation and Z of which were victims of nonconsensual labor exploitation.) Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period? By social services officials? What is the number of victims

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assisted by government-funded assistance programs and those not funded by the government during the reporting period?

The GOC did not release this type of information.

-- H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

Post does not have any information about the existence of these types of systems.

-- I. Are the rights of victims respected? Are trafficking victims detained or jailed? If so, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

There is no official information available to answer these questions. As previously mentioned, sources agree that there are very few foreigners in Cuba, if any, who are victims of international trafficking. In the case of internal trafficking, police occasionally arrest prostitutes on charges of anti-social behavior. In these arrests, the authorities reportedly made no effort to identify trafficking victims instead of those who engage in the profession on their own volition. Those convicted may be sentenced to jail or rehabilitation centers. People who have been released from these prisons and rehabilitation centers describe them as dirty, and lacking in basic sanitary facilities. Inmates are given insufficient and poor quality food and have little access to either education or social services. UN agencies that visited adolescent detention facilities and work camps which house juvenile offenders for non-violent offenses as well as adolescent prostitutes reported adequate conditions.

-- J. Does the government encourage victims to assist in the investigation and prosecution of trafficking? How many

victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

Traffickers can be prosecuted regardless of whether the victim wants to press charges or not. Victims can participate in the investigation and prosecution of their cases. It is unclear if the Cuban legal system encourages them to do so and it is unclear how the legal system treats material witnesses since the government normally does not provide public information about court cases. The sexual abuse treatment centers mentioned above do provide sensitive preparation for child witnesses. Civil law in Cuba only deals with family law and does not involve any type of tort cases. A victim would have to convince a prosecutor to file a criminal case. Civil penalties are called "responsibilities" and can be charged in criminal cases for specific reasons such as damage to a government boat or

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injuries to persons during an attempt at trafficking in persons. Reparations can include indemnifications and the payment of the costs of treatment to injured parties. There is a policy that provides for victim restitution, but there is no information available as to how this works in practice and USINT has no knowledge of monetary or other forms of restitution having been provided to any victim.

-- K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

USINT does not know of any specialized training that the GOC provided to either their officials in Cuba or to their diplomatic missions abroad. USINT does not have information regarding cases where a Cuban embassy or consulate assisted one of their own citizens who was a victim of trafficking.

-- L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

No information is available about assistance provided specifically for trafficking victims who have been repatriated.

-- M. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

The UN and the above mentioned Child Protection Trust are the only known international organizations that worked with trafficking victims. The GOC took the lead in the management of the sexual abuse treatment centers and Child Protection Trust served in a consulting role. Victims can also seek assistance through rehabilitation centers run through the National Health Service with follow up done by Communist Party mass organizations, such as the Federation of Cuban Women and the Young Communist Youth League.

129. (U) PREVENTION:

-- A. Did the government conduct anti-trafficking information or education campaigns during the reporting period? If so, briefly describe the campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts, if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)? (Note: This can be an especially noteworthy effort where prostitution is legal. End Note.)

The official press ran extensive articles and interviews with Cuban citizens who reportedly were trafficked into forced labor or prostitution in Mexico while awaiting passage to the United States.

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-- B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

USINT does not have any information about GOC activities in this area.

-- C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

Although there were indications that there was some coordination within the GOC and with some foreign missions, none of this information was available to the public, and it was impossible to assess either how extensive or effective this cooperation was. The GOC states that they exchange information on trafficking, child pornography, child sex abuse and other international crimes through INTERPOL. The GOC receives information through the National Central Office of INTERPOL. The information is reviewed by the Ministry of Interior, then passed on to immigration officials and the border guards. There were no indications of the existence of a multi-agency working group on trafficking related matters. There was no single point of contact on trafficking in the Cuban government because the GOC covers the issue through a series of different statutes with the responsibility to suppress various activities related to trafficking spread out among several official entities.

-- D. Does the government have a national plan of action to address trafficking in persons? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to implement the action plan?

USINT does not know of a specific national plan to combat trafficking. However, for many years the GOC has promoted a "National Action Plan for Youth and Adolescents" that addresses a broad range of topics such as access to health care, free schooling and sexual education. There is a section of the plan that is titled "The Need to Protect Youth from Mistreatment, Exploitation and Violence" and states as an objective to "be vigilant about the application of the Protocol on the Convention of the Rights of the Child, relative to the sale of children, child prostitution and the use of children in pornography."

The plan seeks the "perfecting actions of social workers, the FMC, the Ministry of Public Health, the Ministry of Labor and Social Security and the UJC in protecting youth from mistreatment, exploitation and violence". The "social workers" as well as the police were alert to identifying out-of school-youth and confronting the parents in the case of truants and other adolescents engaged in socially risky behavior. On the other hand many young adults, especially Afro-Cubans and homosexuals, complained that the police

harassed them for no reason.

-- E: Required of all Posts: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (please see ref B, para. 9(3) for examples)

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Sources did not report any specific actions aimed at reducing the demand for commercial sex acts.

-- F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

Sources did not report any specific actions aimed at reducing Cuban participation in child sex tourism. It should be noted, however, that the GOC strictly controls international travel by its citizens. Few Cubans travel abroad for tourism of any sort.

-- G. Required of posts in countries that have contributed over 100 troops to international peacekeeping efforts (Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Canada, Chile, China, Cote d'Ivoire, Croatia, Denmark, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gambia, Germany, Ghana, Guatemala, India, Indonesia, Ireland, Italy, Jordan, Kenya, Korea (ROK), Malawi, Malaysia, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Russia, Rwanda, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Tanzania, Togo, Tunisia, Turkey, Uganda, PERSONS (TIP) REPO Ukraine, United Kingdom, Uruguay, Yemen, Zambia, and Zimbabwe): What measures has the government adopted to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking or exploit victims of such trafficking? If posts do not provide an answer to this question, the Department may consider including a statement in the country assessment to the effect that "An assessment regarding Country X's efforts to ensure that its troops deployed abroad for international peacekeeping missions do not engage in or facilitate trafficking or exploit trafficking victims was unavailable for this reporting period."

Not applicable.

### 130. (U) PARTNERSHIPS

Secretary Clinton has identified a fourth "P", Partnerships, recognizing that governments' partnerships with other government and elements of civil society are key to effective anti-TIP strategies. Although the 2010 Report will include references and/or descriptions of these partnerships, they will not be considered in the determining the tier rankings, except in cases where a partnership contributes to the government's efforts to implement the TVPA's minimum standards.

-- A. Does the government engage with other governments, civil society, and/or multilateral organizations to focus attention and devote resources to addressing human trafficking? If so, please provide details.

Post is not aware of any such partnership, beyond the previously mentioned work with the British NGO Child Protection Trust.

-- B. What sort of international assistance does the government provide to other countries to address TIP?

Post is not aware of any such assistance provided by the GOC.

Post has no comment for sections on the Child Soldier  
Preventions Act, nominations of heroes and best practices,  
and commendable initiatives

POINT OF CONTACT for this report is Dale Lawton, Human Rights  
Officer, USINT Havana. Tel. 53-7-833-2686; Fax 53-7-836-4728;  
Email: LawtonLD@state.gov.

Estimated time spent researching and preparing the TIP  
report: 45 hours

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NEW REQUIREMENTS FOR THE CHILD SOLDIERS PREVENTION ACT  
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¶31. (U) Title IV of the TVPRA of 2008, the Child Soldiers  
Prevention Act of 2008 (CSPA), was signed into law on  
December 23, 2008 and, pursuant to its terms, became  
effective on June 21, 2009 (see reftel B). The CSPA defines  
"child soldier" for the first time in U.S. law (see para 32)  
and contains the following provisions on sanctioned forms of  
military assistance.

¶32. (U) Definition of "Child Soldier" under the Child  
Soldiers Prevention Act: Consistent with the provisions of  
the Optional Protocol to the Convention on the Rights of the  
Child, the term "child soldier" means (i) any person under 18  
year of age who takes a direct part in hostilities as a  
member of governmental armed forces; (ii) any person under 18  
years of age who has been compulsorily recruited into  
governmental armed forces; (iii) any person under 15 years of  
age who has been voluntarily recruited into governmental  
armed forces; or (iv) any person under 18 years of age who  
has been recruited or used in hostilities by armed forces  
distinct from the armed forces of a state; this includes any  
person described in clauses (ii), (iii), or (iv) who is  
serving in any capacity, including in a support role such as  
a cook, porter, messenger, medic, guard, or sex slave.

¶33. Required for posts in countries that have been the  
subject of allegations regarding unlawful child soldiering  
(by government forces, government-supported militias armed  
groups, or independent militias armed groups) in the TIP  
Report, the Human Rights Report, or both : Report if the  
following occurred: conscription or forced recruitment of  
persons under the age of 18 into governmental armed forces;  
voluntary recruitment of any person under 15 years of age  
into governmental armed forces; the extent to which any  
person under the age of 18 took a direct part in hostilities  
as a member of governmental armed forces; recruitment (forced  
or voluntary) of persons under the age of 18 by armed groups  
distinct from those of the governmental armed forces,  
including paramilitary forces, illegal paramilitary groups,  
guerrillas, or other armed groups. Describe trends toward  
improvement of the above-mentioned practices, including steps  
and programs the government undertook or the continued or  
increased tolerance of such practices, including the role of  
the government in engaging in or tolerating such practices.  
Report abuse of children recruited by armed forces or the  
armed groups noted above (e.g., sexual abuse or use for  
forced labor). Describe the manner and age of conscription.

In discussing activities of armed groups distinct from those  
of governmental armed forces, explain the position of the  
government towards the armed group (opposition, tolerance,  
support, etc.) in detail.



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NOMINATION OF HEROES AND BEST PRACTICES  
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¶34. (U) HEROES: The introductions to the past five TIP Reports have included sections honoring Anti-Trafficking "Heroes". These individuals or representatives of organizations or governments demonstrate an exceptional commitment to fighting TIP above and beyond the scope of their assigned work. The Department encourages post to nominate one or more such individuals for inclusion in a similar section of the 2010 Report. Please submit, under a subheading of "TIP Hero(es)," a brief description of the individual or organization's work, and note that the appropriate individual(s) has been vetted through databases available to post (e.g. CLASS and any law enforcement systems) to ensure they have no visa ineligibilities or other derogatory information.

¶35. (U) COMMENDABLE INITIATIVES: For the past six years the Report has carried a section on "International Commendable Initiatives" in addressing TIP. This section highlights particular initiatives used by governments or NGOs in addressing the various challenges of TIP and serves as a useful guide to foreign governments and posts as they design anti-TIP projects and strategies. The Department encourages post to nominate local anti-TIP initiatives from their host countries for showcasing in the 2010 Report. Please submit, under a "Commendable Initiative" subheading, a brief summary of the activity or practice, along with the positive effect it has had in addressing TIP.  
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